IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

SB CIVIL WRIT PETITION NO.2658/1994
Natthu Singh Mahala & anr.
V/s
State of Rajasthan & ors.

Date of Order : : 10.10.2004

PRESENT
HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Ram Avtar Bucharia, for the petitioners.
Mr.B.L. Avasthi, Dy.GA, for the State.

By the instant writ petition, the petitioners have challenged the orders of termination dated 4.5.1994 and 7.4.1994.

On earlier occasion, the writ petition was dismissed on 22.9.1994 on the ground that no order of termination has been passed against the petitioners. Against which, a DB Special Appeal was filed and the order passed by the Single Bench on 22.9.1994 was set aside and the case was directed to be placed for final hearing. A perusal of the order dated 7.4.1994 would reveal that the same was passed in compliance of the judgment of the Supreme Court in case of Shyam Lal Joshi.

One of the submission of the petitioners is that they become the member of service and they could not have been removed without applying the principle of

natural justice and without following the Disciplinary Service Rules.

The submission of counsel for the respondents is that the question is about the eligibility of the petitioners and in view of judgment of Supreme Court, their termination orders have been passed.

I have heard counsel for the parties and perused the contents of the writ petition and further considered rival submission of counsel for the parties.

In my view, since eligibility was finally settled by the Supreme Court in case of Shyam Lal Joshi, therefor, no further opportunity was required to be given to the petitioner.

The writ petition is dismissed.

(P.S. ASOPA) J.

ummed/-